

IN RE: PETITION FOR ZONING VARIANCE
E/S Valley Glen Court, 1010' S
of Ridge Road
(13 Valley Glen Court)
8th Election District
3rd Councilmanic District
Milton H. Miller, Jr., et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-262-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to per. a side lot line setback of 41 feet in lieu of the required 50 feet and an amendment to the Last Amended Final Development Plan of Green Valley North for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 13 Valley Glen Court, consists of 45,000 sq. ft. zoned R.C. 5 and is improved with a single family dwelling. Petitioners propose constructing a 19' x 17'6" addition on the north side of the subject dwelling to provide more habitable space for their growing family. Testimony indicated the Petitioners have spoken with the adjoining property owners on the affected side who have no objections to their plans as set forth in their letter dated December 29, 1989 to the Zoning Commissioner, marked Petitioner's Exhibit 2. Evidence presented in pictures introduced as Petitioner's Exhibit 3 depict the large trees and shrubs along the north side property line which provide a nice buffer between the subject property and the adjoining, affected property owner. Petitioners testified the proposed addition will be a two story addition consisting of an expanded family room on the first floor and an additional bedroom on the second floor. Testimony indicated the proposed addition could not be placed on the front of the house due to

the existing septic field in the front yard, nor to the rear of the dwelling as the water well abuts the house. As a result, there is no other suitable location for the proposed addition. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 11th day of January, 1990 the Petition for Zoning Variance to permit a side lot line setback of 41 feet in lieu of the required 50 feet and an amendment to the Last Amended Final Development Plan of Green Valley North for a proposed addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is

reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The addition shall contain no kitchen facilities.

3) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3363
J. Robert Haines
Zoning Commissioner

January 17, 1990

Mr. & Mrs. Milton H. Miller, Jr.
13 Valley Glen Court
Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE
E/S Valley Glen Court, 1010' S of Ridge Road
(13 Valley Glen Court)
8th Election District - 3rd Councilmanic District
Milton H. Miller, Jr., et ux - Petitioners
Case No. 90-262-A

Dear Mr. & Mrs. Milton:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 307.3 (Bill. 100, 1970) To, permit a side lot line setback in lieu of the required 50 ft. & to amend the Last Amended Final Development Plan of Green Valley North.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty) Configuration and for such other reasons as may be stated at time of hearing.

Family expanding - more space to expand into to provide new home
not able to build front porch due to septic and well
Property is to be posted and advertised as prescribed by Zoning Regulations.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 10/5/89 ACCOUNT R-01615
AMOUNT \$ 35.00
RECEIVED FROM SUE MILLER
FOR R/V CODE 01 #125

Signature: Miller, Jr. DATE 10/5/89
MIL
MIL
W. Miller
W. Miller

Signature: Miller, Jr. DATE 10/5/89
MIL
MIL
W. Miller
W. Miller

Signature: Miller, Jr. DATE 10/5/89
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W. Miller
W. Miller

Signature: Miller, Jr. DATE 10/5/89
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Signature: Miller, Jr. DATE 10/5/89
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W. Miller
W. Miller

Signature: Miller, Jr. DATE 10/5/89
MIL
MIL
W. Miller
W. Miller

Signature: Miller, Jr. DATE 10/5/89
MIL
MIL
W. Miller
W. Miller

ZONING DESCRIPTION

BEGINNING AT A POINT ON THE EASTERN MOST RIGHT OF WAY LINE OF VALLEY GLEN COURT (50 FT. WIDE) AT A DISTANCE OF 100.2 FT. SOUTH OF THE INTERSECTION OF THE EASTERN MOST R/W LINE OF VALLEY GLEN CT. WITH THE CENTER LINE OF RIDGE ROAD, (50 FT. WIDE) BEING KNOWN AND DESIGNATED AS LOT NO. 58, AS SHOWN ON THE AMENDED FLAT OF SECTION ONE "GREEN VALLEY NORTH", WHICH FLAT IS RECORDED AMONG THE LAND RECORDS OF BALTIMORE COUNTY IN FLAT BOOK E.H.K.JR NO. 37, FOLIO 22. THE IMPROVEMENTS THEREON BEING KNOWN AS NO. 13 VALLEY GLEN COURT, IN THE 8TH ELECTION DISTRICT.

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 7, 1989.

TOWSON TIMES.

S. Zehe Orlan
Publisher

CERTIFICATE OF PUBLICATION

TOWSON, MD., December 7, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Dec 7, 1989.

THE JEFFERSONIAN.

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THE JEFFERSONIAN.

S. Zehe Orlan
Publisher

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 8th Date of Posting 12-10-89

Posted for: Variance

Petitioner: Milton H. Miller, Jr. et ux

Location of property: E/S of Valley Glen Court 1010' S of Ridge Road (13 Valley Glen Court)

Location of Sign: Green front of 13 Valley Glen Court

Remarks: 1/2 Page

Posted by: J. Robert Haines

Number of Signs: 1 Date of return: 12-15-89

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150

Number: 757

83-262-A

Date: 1-2-90

12/15/89

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12/15/89

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

DATE: DEC 12 1989

Mr. & Mrs. Milton H. Miller, Jr.
13 Valley Glen Court
Reisterstown, Maryland 21136

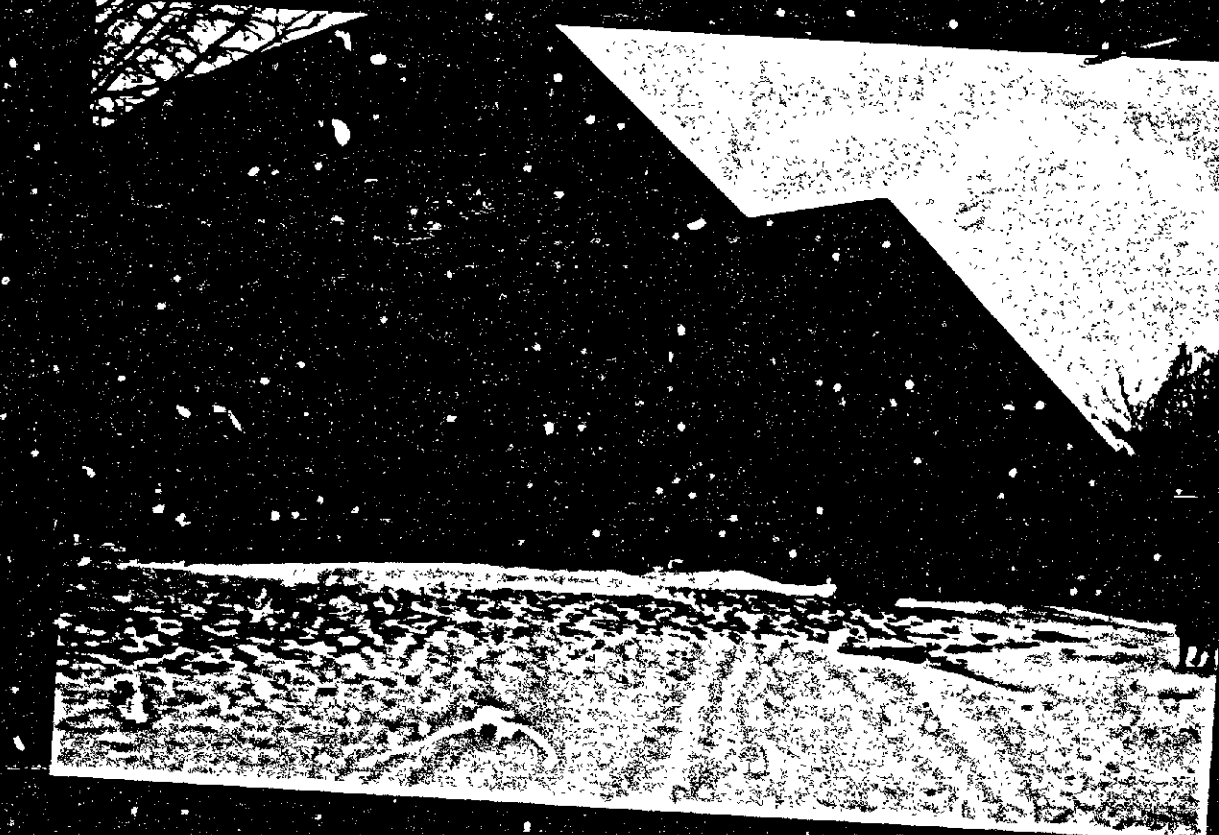
Re:
Petition for Zoning Variance
CASE NUMBER: 90-262-A
1/8 of Valley Glen Court, 1010' S of Valley Glen Court
13 Valley Glen Court
8th Election District - 3rd Councilmanic
Petitioner(s): Milton H. Miller, Jr., et ux
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 9:30 a.m.

Dear Petitioner(s):
Please be advised that \$120.29 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE CASE SHALL BE FORFEIT. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

PETITIONER(S) EXHIBIT (3)



Baltimore County
Fire Department
300 York Road
Towson, Maryland 21204-2536
(301) 887-4500

Paul H. Reincke
Chief

OCTOBER 20, 1989

J. Robert Haines
Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: MILTON H. MILLER
Location: E/S OF VALLEY GLEN COURT
Item No.: 125
Zoning Agenda: OCTOBER 17, 1989
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: [Signature] 10-20-89
Planning Group
Special Inspection Division

Noted and Approved: [Signature]
Fire Prevention Bureau

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

November 30, 1989

NOTICE OF HEARING

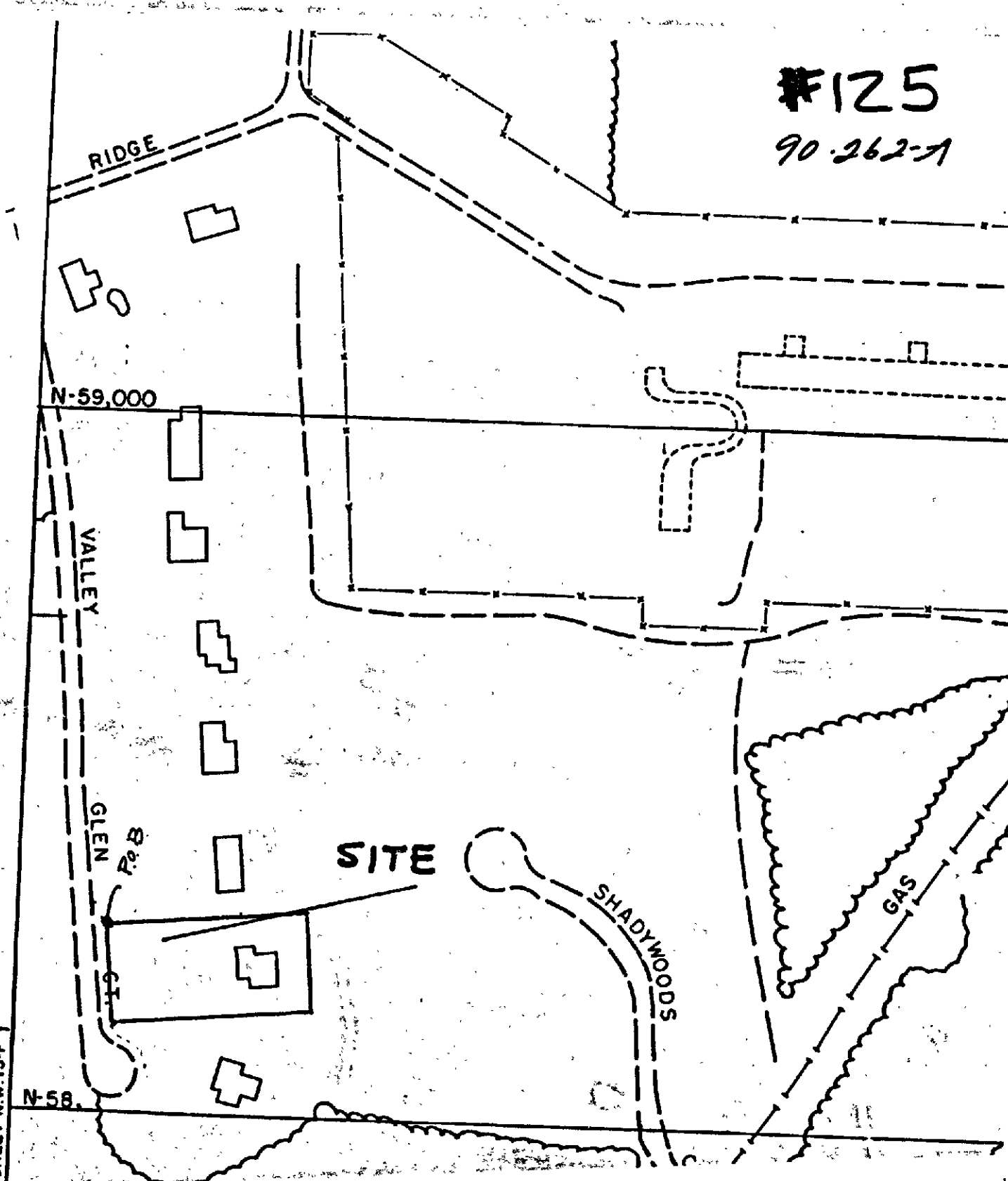
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-262-A
1/8 of Valley Glen Court, 1010' S of Valley Glen Court
13 Valley Glen Court
8th Election District - 3rd Councilmanic
Petitioner(s): Milton H. Miller, Jr., et ux
HEARING SCHEDULED: TUESDAY, JANUARY 2, 1990 at 9:30 a.m.

Variance to permit a 41 foot side lot line setback in lieu of the required 50 feet and to amend the Last Amended Final Development Plan of Green Valley North.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commission will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of
Baltimore County



Baltimore County
Department of Public Works
Bureau of Traffic Engineering
County Office Building, Suite 406
Towson, Maryland 21204
(301) 887-3554

November 9, 1989

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 119, 120, 121, 122, 123, 124, 125, and 127.

Very truly yours,

[Signature]
Michael S. Flanagan,
Traffic Engineer Associate II

MSF/lab

December 29, 1989
Department of Planning & Zoning
J. Robert Haines, Zoning Commissioner
County Office Building
401 Bosley Ave.
Towson, MD 21204

Dear Mr. Haines,

As a neighbor of the Millers, we are aware of their request for a zoning variance. We have seen the plans for the addition and understand that the new structure will go nine feet beyond the current 50 foot set-back regulation. After discussing this in detail, we have no problems in accepting this new variance. If you have any questions please don't hesitate to contact us at 252-6205.

Sincerely yours,

[Signature]
Linda Nachimson
Stanley Nachimson
11 Valley Glen Ct.
Reisterstown, MD 21136

Petitioner
Exhibit 2

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

December 20, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

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MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Milton H. Miller, Jr.
13 Valley Glen Ct.
Reisterstown, MD 21136

RE: Item No. 125, Case No. 90-262-A
Petitioner: Milton H. Miller, Jr., et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Miller:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WILKINSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

[Signature]
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: December 12, 1989
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Milton H. Miller, Jr., et ux, Item 125
Zoning Petition No. 90-262A

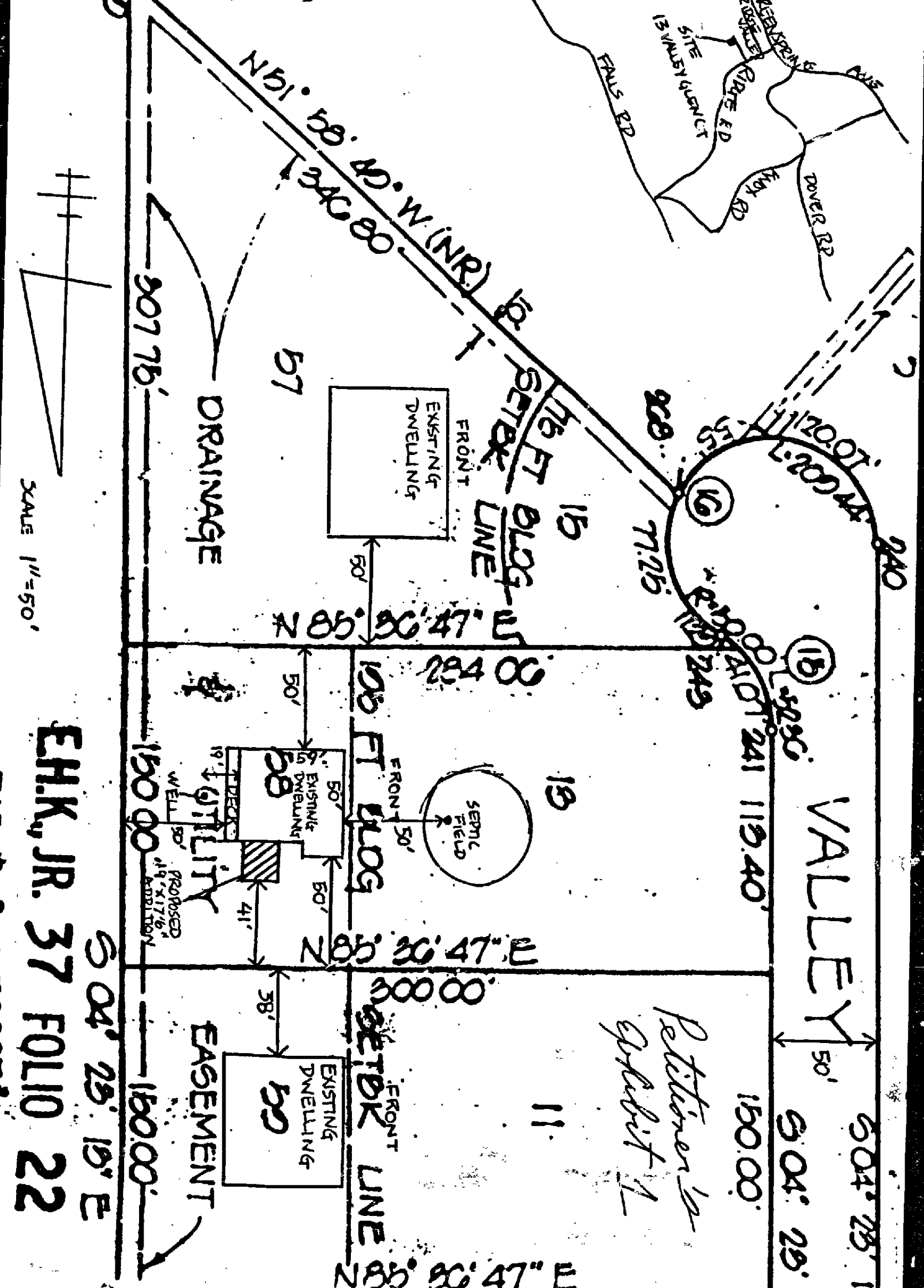
The Petitioners request a variance to side yard setback requirement.

In reference to this request, staff offers no comment.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

PLAT FOR ZONING VARIANCE
OWNER: MILTON H. MILLER, JR. & SUSAN W. MILLER
DISTRICT 8, ZONED RCE
SUBDIVISION - GREEN VALLEY NORTH
LOT 58, BOOK NO 37, FOLIO 22
EXISTING WELL AND SEPTIC SHOWN ON PLAN
LOT SIZE: 45,000 SQ. FT.
1.032 ACRES



Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3333

J. Robert Haines
Zoning Commissioner

YOUR petition has been received and accepted for filing this 18th day of October, 1989.

[Signature]
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

[Signature]
Chairman,
Zoning Plans Advisory Committee

Petitioner: Milton H. Miller, et ux
Petitioner's Attorney: